

June 15, 1999

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, June 15, 1999, in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Horwich, Lee, Messerlian, O'Donnell*, Walker and Mayor Hardison.

*Councilwoman O'Donnell arrived at 7:17 p.m.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

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Agenda Item No. 16 was considered out of order at this time.

16. EXECUTIVE SESSION

At 5:35 p.m., pursuant to Government Code Section Nos. 54957.6, 54956.9(a), 54956.9(c) and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda.

At 7:17 p.m., the Council returned to Council Chambers, and the meeting reconvened in regular agenda order. No formal action was taken on any matter heard in closed session.

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2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by John Moyer, Dow Chemical.

Pastor Sam Petitfils, Community Baptist Church, gave the invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilman Lee moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilwoman Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilman Lee moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilwoman Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. WITHDRAWN/DEFERRED ITEMS

City Manager Jackson announced that Agenda Item 12b regarding Taxi License fees would not be heard at this meeting.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Ad Hoc Armed Forces Committee

Monday, June 14, 1999 - 12:00 p.m.

Third Floor Assembly Room

Subject: Parade 2000

Councilman Lee, Chair of the Ad Hoc Armed Forces Committee, stated that the meeting was held and that information would be brought back to the Council by the end of summer.

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Mayor Hardison noted supplemental material available on Agenda Item 12a (Public Hearing on City of Torrance Street Lighting District No. 99-1); announced that representatives from Taussig and Associates would be counting ballots throughout the meeting until the conclusion of the public hearing on the matter; and indicated that anyone who would like to cast a ballot and had not done so could receive a ballot, and that anyone who had already cast a ballot and would like to change his or her vote could receive a new ballot and make that change.

6. COMMUNITY MATTERS

6a. RESOLUTION NO. 99-59 RE CAROLIN A. KEITH

RESOLUTION NO. 99-59

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE HONORING CAROLIN A. KEITH AS THE
1999 RECIPIENT OF THE TORRANCE AREA CHAMBER
OF COMMERCE GEORGE M. WHITTLESEY MEMORIAL
AWARD**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-59. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

6b. RESOLUTION NO. 99-60 RE ROBERT A. VIRTUE

RESOLUTION NO. 99-60

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE HONORING ROBERT A. VIRTUE AS THE
1999 RECIPIENT OF THE TORRANCE AREA CHAMBER
OF COMMERCE J. WALKER OWENS OUTSTANDING
VOLUNTEER AWARD**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-60. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

6c. RESOLUTION NO. 99-61 RE ANN GALLAGHER

RESOLUTION NO. 99-61

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE HONORING ANN GALLAGHER AS THE
1999 RECIPIENT OF THE TORRANCE AREA CHAMBER
OF COMMERCE DISTINGUISHED CITIZEN AWARD**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-61. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

6d. RESOLUTION NO. 99-62 RE BOB WADE

RESOLUTION NO. 99-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE HONORING BOB WADE FOR HIS SERVICE
AS PRESIDENT OF THE TORRANCE AREA CHAMBER OF
COMMERCE**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-62. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

Mayor Hardison announced that all of the above Resolutions would be presented at a later date.

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City Clerk Herbers announced that applications for vacancies on the Cultural Arts Commission and the Environmental and Energy Conservation Commission would accepted through Wednesday, June 16, and that appointments would be made by the City Council on June 22, 1999.

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6e. RECOGNITION OF ADOPT-A-PARK PARTICIPANTS

Mayor Hardison presented plaques to Paul McCabe, Sunrider International, and Stake President Bruce Ghent, Church of Latter Day Saints, North Torrance Stake, recognizing their contributions to the Adopt-A-Park Program.

6f. COMMUNITY AWARENESS AND EMERGENCY RESPONSE (CAER) PRESENTATION

Representatives of Community Awareness and Emergency Response (CAER) made a presentation regarding the Federal Environmental Protection Agency's (EPA) Risk Management Plan (RMP) regulation. Torrance Fire Department Battalion Chief Hall provided background information about Risk Management Plans which must be submitted to the EPA and local fire departments by companies handling proscribed amounts of 140 toxic or flammable substances. Mr. Harry McVeigh, West Region Manager of Mobil, explained that the CAER organization consists of fire department representatives, community members, and representatives of companies that must submit RMPs; and that the purpose of the EPA regulation is to stimulate dialogue between industry and the public and to improve accident prevention and emergency response practices. Mr. John Moyer, Plant Manager of Dow Chemical, described community outreach efforts and listed upcoming public meetings.

Mayor Hardison commented favorably on the information packet provided to Councilmembers and encouraged the public to attend the community meetings if they have questions or concerns.

Fire Chief Bongard thanked members of CAER and Battalion Chief Hall for their efforts in putting together this program.

G. Eng, 5215 Lenore Street, asked if the public could obtain the information packet referred to by Mayor Hardison, and Chief Bongard indicated that the packets would be available at Torrance fire stations and the City Clerk's office, as well as at the community meetings.

Mr. Joseph Azim expressed concerns about hazardous chemicals being manufactured locally.

Mr. Albert Metz, 21702 Marjorie Avenue, questioned whether information would be shared at the meetings about chemical facilities in surrounding communities. Mr. Moyer advised that the meetings would deal mainly with facilities in Torrance but stated that he would be glad to meet with individuals to discuss specific concerns.

7. CONSENT CALENDAR

Mayor Hardison noted supplemental material available at the meeting on Agenda Item 7b.

7a. AGREEMENT RE RESIDENTIAL CURB, GUTTER AND SIDEWALK REPLACEMENT PROGRAM

Recommendation

The Engineering Director recommends that City Council:

1. Approve a Consulting Services Agreement with Case Land Surveying, Inc. for construction survey and monumentation for the 1998-99 Residential Curb, Gutter and Sidewalk Replacement Program in the amount of \$47,400;
2. Authorize a 5% contingency in the amount of \$2,400; and
3. Authorize the Mayor and City Clerk to execute and attest to said Agreement.

7b. AGREEMENT RE OCEAN AVENUE, NEWTON STREET, MADISON STREET AND WALTERIA PARK PROJECT

Recommendation

The Engineering Director recommends that City Council:

1. Approve a Professional Services Agreement with Berryman & Henigar for the preparation of plans, specifications and estimates for the Ocean Avenue, Newton Street, Madison Street and WALTERIA Park project in the amount of \$108,460.00;
2. Authorize a 5% contingency in the amount of \$5,400; and
3. Authorize the Mayor and the City Clerk to execute and attest to said Agreement.

7c. PURCHASE OF STREET SWEEPING VEHICLES

Recommendation

The General Services Director and the Street Services Director recommend that City Council authorize a purchase order be issued for an amount not-to-exceed \$424,805.47 to Carde Pacific Corporation of Santa Fe Springs, CA for the purchase of three (3) street sweeping vehicles.

7d. PURCHASE ORDER RE PLUMBING SUPPLIES

Recommendation

The General Services Director recommends that City Council authorize a purchase order to L & B Pipe and Supply Company of Torrance, CA in an amount not-to-exceed \$26,000.00 and a purchase order to Smardan Supply Company of Gardena, CA in an amount not-to-exceed \$8,000.00, for the purchase of the City's annual requirement of plumbing supply parts on an "as needed basis."

7e. PURCHASE ORDER RE COMPUTER SOFTWARE

Recommendation

The Information Director recommends that City Council increase the purchase order with ASAP Software Express, Inc. by \$30,000 for the purchase of necessary software to meet Year 2000 compliance for a total purchase order not-to-exceed \$140,000.

7f. PURCHASE ORDER RE MINOLTA COPIERS

Recommendation

The General Services Director recommends that City Council authorize purchase orders to Minolta Business Systems, Inc. of Torrance, CA (with assignment to Copelco Capital, Inc. a leasing agent for Minolta Business Systems) for a 48-month lease/purchase of twenty-one (21) Minolta copiers for use in various locations throughout the City in the amount of \$75,842.52 annually.

City Manager Note

The Purchase Order will state that the City will not be responsible for the continuing lease if funding is not available.

7g. PURCHASE ORDER RE AUTOMOTIVE SUPPLY PARTS

Recommendation

The General Services Director recommends that City Council authorize a purchase order to Peerless Automotive of Torrance, CA in an amount not-to-exceed \$30,000.00 and a purchase order to Torrance Auto Parts, Inc. of Torrance, CA in an amount not-to-exceed \$30,000.00 for the purchase of the City's annual requirement of automotive supply parts on an "as needed basis."

MOTION: Councilwoman Cribbs moved for the approval of the Consent Calendar as written. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

8. COMMUNITY SERVICES

8. FY 1998-99 FTA URBANIZED AREA FORMULA PROGRAM GRANT APPLICATION

Recommendation

The Transit Director recommends that City Council approve a resolution authorizing the City Manager to apply and the Mayor to execute and the City Clerk to attest to the grant cooperative agreements for an amount not to exceed \$1,966,680 in Federal Transit Administration (FTA) Urbanized Area Formula Program Funds to assist in financing the maintenance of Torrance Transit buses and miscellaneous Transit Capital improvements.

Transit Director Whittle presented the staff report (per written material of record).

RESOLUTION NO. 99-63

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR
AN AMOUNT NOT TO EXCEED \$1,966,680 WITH THE FEDERAL TRANSIT
ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED
STATES DEPARTMENT OF TRANSPORTATION FOR ASSISTANCE IN
FY 1998-99, AS AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23
UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED
BY THE FEDERAL TRANSIT ADMINISTRATION**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-63. The motion was seconded by Councilman Horwich and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. AMENDMENT TO RECIPROCAL EASEMENT AND PARKING AGREEMENT RE ROLLING HILLS PLAZA

Recommendation

The Land Management Team recommends that City Council authorize the Mayor to execute and the City Clerk to attest to the following:

1. First amendment to the Reciprocal Easement and Parking Agreement (REPA) by and between Rolling Hills Plaza LLC, (Rolling Hills Plaza Shopping Center) and Daniel F. Selleck dba S&S Auto Center located at 25210 Crenshaw Boulevard deleting exhibit A-1 containing the legal description and replacing it in its entirety with a new exhibit "B";
2. First amendment to lease C97-186 at 25210 Crenshaw Boulevard correcting the legal description for the lease parcel; and
3. Estoppel Certificate for lease C97-186.

Assistant to the City Manager Sunshine presented the staff report (per written material of record).

MOTION: Councilman Walker moved to concur with the staff recommendation. The motion was seconded by Councilman Lee and passed by unanimous roll call vote.

12. HEARINGS

12a. TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation

The Planning Director recommends that City Council take the following actions:

1. Hold the Public Hearing on the proposed City of Torrance Lighting District No. 99-1;
2. Tabulate the ballots and announce the results of the balloting; and
3. In the absence of a majority protest, approve the District formation and the levy of assessments for fiscal year 1999-2000.

Mayor Hardison announced that this was the time, place, and date for a Public Hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Mayor Hardison again noted supplemental material available on this item; announced that the tabulation of ballots would be ongoing during the hearing with the final results announced at the end of the hearing; and indicated that anyone who would like to cast a ballot and had not done so could receive a ballot, and that anyone who had already cast a ballot and would like to change his or her vote could receive a ballot and make that change.

In response to Mayor Hardison, City Clerk Herbers confirmed that pre-tabulation of ballots returned to the City Clerk's office had begun earlier so that the final vote count would be completed by the close of the Public Hearing.

Acting Traffic and Transportation Planning Manager Sedadi explained that the City was required to conduct this election under the dictates of Proposition 218; that an engineer's report was prepared by Taussig and Associates containing plans, specifications, and estimated cost of improvements; that the report separates general benefit from special benefit and if the assessment is approved, the City will contribute the amount of the general benefit; that the total assessment was spread among the parcels in the City according to a formula which takes into account various factors; and that the ballots were weighted according to the amount of the assessment.

In response to Councilman Messerlian's inquiry, Ms. Sedadi confirmed that the City's \$522,738 general benefit contribution is over and above what the City will pay in assessments on City-owned properties.

Mayor Hardison offered clarification that the City has had a lighting district for 21 of the last 22 years.

Mayor Hardison invited public input on this matter.

Mr. Glenn Penner, 4134 Paseo de las Tortugas, expressed his opinion that the proposed Street Lighting District is illegal because Proposition 218 states that property owners may not be charged fees for services widely available to the public and that by his definition maintenance and servicing of public street lights, safety lights and traffic signals are classic examples of services that benefit the public at large.

Mr. Colin, a resident on Paseo de la Playa, stated that he did not believe that street lighting was a "benefit" and that he prefers moonlight to artificial light and would not support spending one dollar on street lighting.

Mr. G. Eng, 5215 Lenore Street, stated that the balloting process for the Street Lighting District violates a number of constitutional rights because it allows non-citizens, convicted felons and foreign entities to vote; creates a "landed gentry" violating the principle of "one man, one vote"; and infringes on the right to cast a secret ballot.

Mr. Clark Minnick, 16704 Glenburn Avenue, expressed frustration that voters approved Proposition 13 and Proposition 218 to limit taxation on their properties yet are constantly faced with new taxes and wondered where it will end.

Mr. Albert Metz, 21702 Marjorie Avenue, related his understanding that past lighting assessment districts did not include funding for traffic signals and stated that the City receives money from gasoline taxes that should be used for this purpose.

Mayor Hardison announced the last call for submittal of ballots.

Responding to comments from the audience, City Attorney Fellows advised that the section of Proposition 218 to which Mr. Penner referred deals with fees and charges, not assessments against real property, and therefore is not applicable to the proposed Lighting Assessment District; that the term "benefit" is a statutory term from Proposition

218 that identifies the mechanism by which the City is required to apportion costs; that contrary to Mr. Eng's statements, the balloting process is constitutional because Proposition 218 is a portion of the California Constitution which was adopted by voters in 1996 and establishes the voting procedure; and that Proposition 218 provides a means by which Mr. Minnick and other property owners can defeat new taxes by casting their ballots against them.

In response to Mr. Metz's comments, Ms. Sedadi explained that the previous Lighting Assessment District did include funding for the maintenance and servicing of traffic signals and safety lights.

MOTION: Councilman Lee moved to close the public input portion of the Public Hearing. The motion was seconded by Councilman Horwich and passed by unanimous roll call vote.

The Council recessed from 8:23 to 8:30 p.m. to allow for tabulation of the ballots.

City Clerk Herbers announced the results of the tabulation of ballots.

Total number of ballots voted: 18,079
Number of assessment dollars voting YES: \$359,558.64 (8,477 parcels) 56.92%
Number of assessment dollars voting NO: \$272,133.87 (9,602 parcels) 43.08%

MOTION: Councilman Lee moved to close the Public Hearing. The motion was seconded by Councilman Horwich and passed by unanimous roll call vote.

MOTION: Councilman Lee moved to concur with the formation of Street Lighting District No. 99-1. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

RESOLUTION NO. 99-64

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ORDERING THE FORMATION OF CITY OF TORRANCE LIGHTING
DISTRICT NO. 99-1, ORDERING IMPROVEMENTS, AND CONFIRMING
A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 1999-00 PURSUANT
TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF
1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND
HIGHWAYS CODE, AND AS PROVIDED BY ARTICLE XIID OF THE
CALIFORNIA CONSTITUTION**

MOTION: Councilman Messerlian moved for the adoption of Resolution No. 99-64. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

12b. TAXICAB PERMIT FEES

Recommendation

The Finance Director recommends that City Council conduct a Public Hearing for the setting of permit fees for taxicab operators and drivers.

Withdrawn, see page 2.

12c. CITY OF TORRANCE OPERATING BUDGET FOR FY 1999-2001

Recommendation

The Finance Director recommends that City Council open the second Public Hearing on the City of Torrance proposed two-year operating budget for fiscal years 1999-2001.

Mayor Hardison announced that this was the time, date and place for the second Public Hearing on the proposed two-year operating budget and asked if anyone if the audience wished to be heard.

Mr. Steve Sherrill, 1116 Eriel Avenue, voiced opposition to the proposed transfer of one Lead Meter Reader/Repairer into a vacant Water Service Lead Technician position, stating that it would do nothing more than create a vacancy in meter reading operations and fill a vacant position with someone who does not meet the requirements for a Lead Technician.

City Manager Jackson advised that this lateral transfer was a method of avoiding a lay-off situation while reducing an extra position in meter reading operations, noting that the individual assuming this position may require training and/or certification and that it would be subject to the meet and confer process.

Mr. Alan Lee, Torrance Municipal Employees, AFSCME, Local 1117, requested that the \$50,000 fund for no interest computer loans be reserved for AFSCME-represented employees; that the Rose Float Association be required to raise at least some of the funds for the Rose Float; that the Chamber of Commerce's request for funding for additional staff be denied; and that the employee newsletter be scrapped. He stated that the \$50,000 proposed for safety awards and the \$29,000 proposed for investigating discriminatory practices could be put to better use and suggested the possibility of hiring an additional librarian.

Mr. Joseph Azim commented on the Torrance Unified School District (TUSD) curriculum, and Mayor Hardison explained that this subject was not pertinent to the City's budget.

City Manager Jackson directed Councilmembers to supplemental material outlining modifications to the budget discussed at the first Public Hearing and options for funding the changes.

Councilmembers expressed their preference for Option 1, reducing the phase out of year-end carry over, rather than Option 2, reducing Side-On Back-On improvements, as a source of funding for fiscal year 2000-01.

Councilwoman Cribbs suggested that a survey be conducted of library patrons to determine whether they would take advantage of Sunday service hours. Councilman Horwich concurred with Councilwoman Cribb's suggestion, stating that he supported the concept but would like to be sure the usage would justify it.

MOTION: Councilman Lee moved to close the Public Hearing. The motion was seconded by Councilman Horwich and passed by unanimous roll call vote.

MOTION: Councilman Lee moved to concur with the proposed base budget which is inclusive of reserves for infrastructure, wages, and budgeted positions for the Streetscape Division. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

Councilwoman Cribbs stated that she would like the \$523,527, allocated to phase out reliance on year-end carry over in FY 2000-01, to be used instead as a reserve for funding Capital infrastructure projects, commenting on the significant amount of funding shortfall that exists for these projects. Councilman Lee suggested leaving this reserve unencumbered to deal unanticipated needs as they arise.

MOTION: Councilman Lee moved to concur with the proposed budget modifications as amended and to enhance infrastructure reserves to \$1,263,527. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

MOTION: Councilwoman Cribbs moved to concur with Option 1 to address funding needs in FY 2000-01. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

MOTION: Councilwoman Cribbs moved to direct staff to conduct a survey to determine the public's interest in Sunday service hours at the library. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

Noting that the budget includes several new programs, Mayor Hardison requested that the Council receive regular updates on their progress.

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The Council met as the Redevelopment Agency from 5:35 p.m. to 9:10 p.m.

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15. OTHER

15a. ORAL COMMUNICATIONS

City Manager Jackson expressed his special thanks to Assistant City Manager Giordano and Finance Director Tsao, the budget review team, and City staff for their efforts on the budget.

Planning Director Gibson thanked Sepideh Sedadi and Transportation Planning Division of the Planning Department for their efforts on the Street Lighting Assessment District.

Councilwoman Cribbs thanked staff for responding to her questions during the budget process and asked that unmet needs be specifically described for the infrastructure reserve set aside.

Councilman Horwich thanked staff for budget process.

Engineering Director Burt, responding to Councilman Messerlian, provided information regarding the possible upgrading of Pacific Coast Highway next spring throughout the South Bay area to ready LA for the Democratic convention.

Councilman Messerlian commented on the poor condition of the Edison right-of-way on Hawthorne Boulevard. He was advised that the approved self-storage facility did not include the Hawthorne frontage and that staff would contact Edison.

Councilwoman O'Donnell discussed budget items as they related to taxes and cost of living in the state of Illinois.

Councilwoman O'Donnell thanked everyone for their good wishes on the passing of her father.

Councilwoman O'Donnell asked for information on the stray dog at Zamperini Field.

Councilman Walker shared details of his recent trip to Washington DC where he had the opportunity to dine in both the Library of Congress, and the Supreme Court, hearing Justice Kennedy speak about the court.

Councilman Walker shared his views on the trash collection pilot program approved at a previous Council meeting.

Councilman Lee commented positively on the budget document as being more comprehensive and readable.

Mayor Hardison thanked everyone involved in the budget process.

City Clerk Herbers thanked her entire staff, including Deputy City Clerk Susan Robinson, and staff members from Planning Department and General Services for their work on the Street Lighting Assessment District.

16. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

17. ADJOURNMENT

At 9:26 p.m., the meeting was adjourned to Tuesday, June 22, 1999, 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 in Council Chambers.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance